

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ZEBADIAH HART, 02A4836,

Plaintiff,

v.

ORDER
08-CV-681

GLENN S. GOORD, ET AL.,

Defendants.

This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1). Defendants filed a motion for partial summary judgment. On January 13, 2011, Magistrate Judge Scott filed a Report and Recommendation, recommending that the motion for summary judgment be granted as to defendants, Boyce, Colby, Laskowski, Nicosia, Barbery, Conway and Goord.

Plaintiff filed objections to the Report and Recommendation on March 10, 2011 and defendants filed a response there to on March 24, 2011.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendants' motion for summary judgment is granted as to defendants, Boyce, Colby, Laskowski, Nicosia, Barbery, Conway and Goord.

The case is referred back to Magistrate Judge Scott for appointment of pro bono counsel and for proceedings to explore the possibility of settlement in lieu of trial.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: March 28, 2011